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09/747,041	12/22/2000	Raymond J. Kelley	GEMS:0122/yod 15-EC-5773	4693

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EXAMINER	
OYEBISI, OJO O	
ART UNIT	**PAPER NUMBER**
3628	

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/747,041	KELLEY ET AL.	
	Examiner	Art Unit	
	OJO O. OYEBISI	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02/06/06*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5-25,27-50,52-54 and 56-58* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3, 5-25, 27-50, 52-54, 56-58* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

In the amendment filed on 02/06/06, the following have occurred: claims 1, 5-16, 19, 22, 25, 27-34, 36, 40, 43, 44, 47-50, 52-53, and 56-58 have been amended, and claims 4, 26, 51, 55 and 59 have been cancelled. Claims 1-3, 5-25, 27-50, 52-54, 56-58 stand rejected in this office action.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-3, 5-25, 27-50, 52-54, 56-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eder (US PAT 6,321,205).

Re claim 1. Eder discloses a method comprising: providing an electronic form having fields for entering financial data of facility associated with at least one of a plurality of modalities and for entering financial data **including system operational data** (see fig.13, element 806, also see col.18, lines 12-20), the financial data comprising projected changes in at least a portion of the financial data over a future analysis period (see abstract, also see col.6, lines 45-50); electronically receiving the financial data from the electronic form via a network (see col.9, lines 50 - col.10, line 24); routing the financial data into a financial analysis system (i.e., Neural networks consist of a number of processing elements (hereinafter, referred to as nodes) that send data to one another via

connections, see col.24, lines 44-50, also see col.10, lines 5-10, i.e., determine which data need to be extracted and transferred from the database server via the interconnection network to the application server computer.....); generating a pro forma financial report for the future analysis period tailored to the financial data (see col.13, lines 49-62); electronically transmitting the pro forma financial report to a client via the network (col.8, lines 15-21, also see col.7, lines 10-13, and col.46 line 61-col.47, line 8), analyzing a desired purchasing option selected from a plurality of different purchasing options based on the financial data of the client to provide a client-specific financial analysis of the desired purchasing option (i.e., Income valuations are based on the premise that the current value of a business is a function of the future value that an investor can expect to receive from purchasing all or part of the business, see col.3 lines 25-40). Eder does not expressly disclose a medical facility. However, Medical facility (i.e., medical imaging system) is simply an intended subject use of this invention, and the functions described hereinabove can be applied to any facility or business operation, services or products; with the names of their specific industry and related products and services simply replacing "medical facility" and it related products and services by name. Thus it would have been obvious to one of ordinary skill in the art to apply the modeling and analyzing business improvement programs taught by Eder to medical imaging system financial operation to enable medical care professionals to use a broad array of assumptions to forecast utilization of medical procedures and estimated revenue

per procedure under multiple capitation scenarios and to provide for a more comprehensive and efficient system for financial/management analysis of medical business operations.

Re claim 2. Eder further discloses the method as stated supra, comprising identifying the client and tailoring the electronic form to the client (see col.8, lines 12-22).

Re claims 3, 5-16, and 56. Eder further discloses the method, wherein providing an electronic form having fields (see Eder col.12, lines 53-67, also see col.13, lines 50-67). Eder does not explicitly disclose an electronic form having fields comprises allowing the client to select all the method steps in claims 3-16, and 56. However, it is obvious and well known that the electronic form having fields can be found in or associated with any major commercial computer spreadsheet available within the past decade, such as: Excel, Lotus 123, Quattro pro etc., which during that time have been used by thousands of financial analysts to conduct different types of standard and common financial analyses. Thus, all the data entry features, steps, and methods described in claims 3-16, and 56 can be performed using any of these well-known commercial software applications. In addition, since the steps and methods described in claims 3-16, and 56 are basic data entry operations, these steps and methods have been manually used for the past many decades with slide rules and pencil and paper and the use of calculators, so that this invention is merely the automation of an old and well known manual process. It would have been obvious to one skilled in the art at the time of the invention to be well aware of

these facts and to have used their old and well known features in duplicating this invention, since it has been held that broadly providing a mechanical or automatic means to replace manual activity which has accomplished the same result involves only routine skill in the art. In re Venner, 120 USPQ 1 92.

Re claim 17. Eder further discloses the method comprising providing a set of financial rules for analyzing the financial data with the financial analysis system (i.e., generally accepted valuation principles, see col.3, lines 17-25).

Re claim 18. Eder further discloses the method wherein electronically receiving the financial data via the Internet (see col.9, lines 5-40, also see col.12, lines39-40)

Re claim 19. Eder discloses a system comprising: a client computer system; a financial analysis system ; a network for coupling the client computer system to the financial analysis system; and an interface accessible on the client computer system via the network, wherein the interface includes fields **for selecting data and for entering client data**, wherein the interface is configured to exchange the client data with the financial analysis system (see col.9, lines 1-45), the client data comprising financial data , and wherein the financial analysis system is configured to evaluate the client data and to generate a projected financial report tailored to the client data (see col.13, lines 49-62, also see fig 8 and fig.13), wherein the projected fianancial report enables a client to evaluate feasibility of purchasing the desired system. Eder does not expressly disclose medical facility as it relates to the system above. Eder does not expressly disclose a medical facility. However, Medical facility (i.e., medical imaging system) is simply an intended subject use of this invention, and the functions described hereinabove can be

applied to any facility or business operation, services or products; with the names of their specific industry and related products and services simply replacing "medical facility" and it related products and services by name. Thus it would have been obvious to one of ordinary skill in the art to apply the modeling and analyzing business improvement programs taught by Eder to medical imaging system financial operation to enable medical care professionals to use a broad array of assumptions to forecast utilization of medical procedures and estimated revenue per procedure under multiple capitation scenarios and to provide for a more comprehensive and efficient system for financial/management analysis of medical business operations.

Re claim 20. Eder discloses the system, wherein the financial analysis system comprises a financial rule module (see fig. 6A).

Re claim 21. Eder discloses the system wherein the financial analysis system comprises a tax module (see fig.5b, elements 225 and 910) having rules for evaluating tax effects on the financial data (col.22 lines 8-12).

Re claim 22. Eder further discloses the system wherein the financial analysis system comprises module having rules for financially evaluating operational data. (see fig.13, element 806, also see col.18, lines 12-20, and col.8, lines 15-21, also see col.7, lines 10-13). Eder does not expressly disclose a medical facility or healthcare. However, Medical facility (i.e., medical imaging system) is simply an intended subject use of this invention, and the functions described hereinabove can be applied to any facility or business operation, services or products; with the names of their specific industry and related products and services simply replacing "medical facility" and it related products and

services by name. Thus it would have been obvious to one of ordinary skill in the art to apply the modeling and analyzing business improvement programs taught by Eder to medical imaging system financial operation to enable medical care professionals to use a broad array of assumptions to forecast utilization of medical procedures and estimated revenue per procedure under multiple capitation scenarios and to provide for a more comprehensive and efficient system for financial/management analysis of medical business operations.

Re claim 23. Eder discloses the system wherein the network comprises the Internet (see col.9, lines 3-20, also see fig. 5b, element 5).

Re claim 24. Eder discloses the system, wherein the interface comprises a form configured for entering and transmitting the client data to the financial analysis system (see fig.13, element 806, also see col.18, lines 12-20, and col.8, lines 15-21, also see col.7, lines 10-13),

Re claims 25, 27-33, and 57. Eder discloses the interface as described in claim 19. However, Eder does not disclose the interface comprises the data entry fields described in claims 25-33, and 57. However, it is obvious and well known that data entry fields can be found in or associated with any major commercial computer spreadsheet available within the past decade, such as: Excel, Lotus 123, Quattro pro etc., which during that time have been used by thousands of financial analysts to conduct different types of standard and common financial analyses. Thus, all the data entry features and steps described in claims 25-33, and 57 can be performed using any of these well-known commercial software applications. In addition, since the steps described in claims 25-33, and 57 are basic data

entry operations, these steps have been manually used for the past many decades with slide rules and pencil and paper and the use of calculators, so that this invention is merely the automation of an old and well known manual process. It would have been obvious to one skilled in the art at the time of the invention to be well aware of these facts and to have used their old and well known features in duplicating this invention, since it has been held that broadly providing a mechanical or automatic means to replace manual activity which has accomplished the same result involves only routine skill in the art. In re Venner, 120 USPQ 1 92.

Re claim 34. Claim 34 recites similar limitations to claim 1 and thus rejected using the same art and rationale as in claim 1.

Re claim 35. Eder discloses the method, comprising identifying the client and tailoring the form to the client (i.e., These information extractions and aggregations are guided by a user through interaction with a user-interface portion of the application software that mediates the display and transmission of all information to the user from the system as well as the receipt of information into the system from the user using a variety of data windows tailored to the specific information being requested or displayed in a manner that is well known, see col.8, lines 13-22).

Re claim 36. Eder further discloses the method, comprising tailoring the form the client (i.e., These information extractions and aggregations are guided by a user through interaction with a user-interface portion of the application software that mediates the display and transmission of all information to the user from the

system as well as the receipt of information into the system from the user using a variety of data windows tailored to the specific information being requested or displayed in a manner that is well known, see col.8, lines 13-22). Eder does not disclose healthcare category and medical imaging systems. However, Medical facility (i.e., medical imaging system) is simply an intended subject use of this invention, and the functions described hereinabove can be applied to any facility or business operation, services or products; with the names of their specific industry and related products and services simply replacing "medical facility" and it related products and services by name. Thus it would have been obvious to one of ordinary skill in the art to apply the modeling and analyzing business improvement programs taught by Eder to medical imaging system financial operation to enable medical care professionals to use a broad array of assumptions to forecast utilization of medical procedures and estimated revenue per procedure under multiple capitation scenarios and to provide for a more comprehensive and efficient system for financial/management analysis of medical business operations.

Re claim 37. Eder discloses the method, wherein providing the interface comprises providing a server for exchanging information between the financial analysis system and a client computer system (see col.9, lines 2-35). Eder does not expressly disclose the method steps described hereinabove for the healthcare facility. However, healthcare facility is simply an intended subject use of this invention, and the functions described in hereinabove can be applied to

any facility or business operation, services or products; with the names of their specific industry and related products and services simply replacing " healthcare facility" and it related products and services by name. Thus it would have been obvious to one of ordinary skill in the art to apply the modeling and analyzing business improvement programs taught by Eder to medical imaging system financial operation to enable medical care professionals to use a broad array of assumptions to forecast utilization of medical procedures and estimated revenue per procedure under multiple capitation scenarios and to provide for a more comprehensive and efficient system for financial/management analysis of medical business operations.

Re claims 38 – 41, 54 and 58. Eder does not expressly disclose the method, wherein providing the interface comprises all the steps disclosed in claims 38-41, 54 and 58. However, the steps outlined in claims 38-41, 54 and 58 are data entry steps, and it is obvious and well known that data entry fields can be found in or associated with any major commercial computer spreadsheet available within the past decade, such as: Excel, Lotus 123, Quattro pro etc., which during that time have been used by thousands of financial analysts to conduct different types of standard and common financial analyses. Thus, all the data entry features and steps described in claims 38-41, 54 and 58 can be performed using any of these well-known commercial software applications. In addition, since the steps described in claims 38-41, 54 and 58 are basic data entry operations, these steps have been manually used for the past many decades with slide rules and

pencil and paper and the use of calculators, so that this invention is merely the automation of an old and well known manual process. It would have been obvious to one skilled in the art at the time of the invention to be well aware of these facts and to have used their old and well known features in duplicating this invention, since it has been held that broadly providing a mechanical or automatic means to replace manual activity which has accomplished the same result involves only routine skill in the art. In re Venner, 120 USPQ 1 92.

Re claim 42. Eder further discloses the method, wherein electronically accepting comprises electronically accepting the financial data via the Internet (see col.9, lines 5-40, also see col.12, lines39-40).

Re claim 43. Eder discloses an Internet financial analysis system, the system comprising; a network for exchanging data between the client computer system and the financial analysis system (see col.9, lines 2-35); and an Internet results page for displaying a projected financial statistic from the financial analysis system (see col.5, lines 15-30), an Internet query form having a plurality of data entry fields i.e., operational time field, cost field, revenue field, and purchase transaction fields configured for accepting financial data (see fig.4, also see fig.6A.). Eder does not expressly disclose a client computer system for the healthcare facility; a financial analysis system remote from the healthcare facility However, healthcare facility is simply an intended subject use of this invention, and the functions described in hereinabove can be applied to any facility or business operation, services or products; with the names of their specific industry

and related products and services simply replacing " healthcare facility" and it related products and services by name. Thus it would have been obvious to one of ordinary skill in the art to apply the modeling and analyzing business improvement programs taught by Eder to medical imaging system financial operation to enable medical care professionals to use a broad array of assumptions to forecast utilization of medical procedures and estimated revenue per procedure under multiple capitation scenarios and to provide for a more comprehensive and efficient system for financial/management analysis of medical business operations.

Re claim 44. Eder further expressly discloses the system comprises a module having rules for financially evaluating business operations (see fig.6B element 325). Eder does not expressly disclose the method steps described hereinabove for the healthcare facility. However, healthcare facility is simply an intended subject use of this invention, and the functions described in hereinabove can be applied to any facility or business operation, services or products; with the names of their specific industry and related products and services simply replacing " healthcare facility" and it related products and services by name. Thus it would have been obvious to one of ordinary skill in the art to apply the modeling and analyzing business improvement programs taught by Eder to medical imaging system financial operation to enable medical care professionals to use a broad array of assumptions to forecast utilization of medical procedures and estimated revenue per procedure under multiple capitation scenarios and to provide for a

more comprehensive and efficient system for financial/management analysis of medical business operations.

Re claim 45. Eder discloses the system, comprising an interface for viewing the Internet query form and the Internet results page, and for communicating between the client computer system and the financial analysis system (i.e., Information can also be extracted from an on-line external database such as those found on an internet via a communication. These information extractions and aggregations are guided by a user through interaction with a user-interface portion of the application software that mediates the display and transmission of all information to the user from the system as well as the receipt of information into the system from the user using a variety of data windows tailored to the specific information being requested or displayed in a manner that is well known, see col.8, lines 10-25).

Re claim 46. Claim 46 recites similar limitations to claim 35, and thus rejected using the same art and rationale in the rejection of claim 46.

Re claims 47-50. Eder further discloses the system, wherein the plurality of data entry fields comprise a field described in claims 47-50, and 59. However, it is obvious and well known that data entry fields can be found in or associated with any major commercial computer spreadsheet available within the past decade, such as: Excel, Lotus 123, Quattro pro etc., which during that time have been used by thousands of financial analysts to conduct different types of standard and common financial analyses. Thus, all the data entry features and steps described in claims 47-50, and 59 can be performed

using any of these well-known commercial software applications. In addition, since the steps described in claims 47-50, and 59 are basic data entry operations, these steps have been manually used for the past many decades with slide rules and pencil and paper and the use of calculators, so that this invention is merely the automation of an old and well known manual process. It would have been obvious to one skilled in the art at the time of the invention to be well aware of these facts and to have used their old and well known features in duplicating this invention, since it has been held that broadly providing a mechanical or automatic means to replace manual activity which has accomplished the same result involves only routine skill in the art. In re Venner, 120 USPQ 1 92.

Re claim 52. Eder discloses the method, comprising automatically creating a Web page, including the pro forma financial report, tailored to the client-specific financial analysis (see col.8, lines 13-22, see fig.13, element 806, 808, and 809); to enable the client to evaluate feasibility of the desired purchasing option for the desired medical imaging system(this is an intended use of the described feature).

Re claim 53. Eder does not expressly disclose the method, wherein the desired medical imaging system is selected from medical resource options on the electronic form, wherein the medical resource options include a magnetic resonance imaging (MR1) system, a computed tomography (CT) system, an ultrasound system, or any combination thereof. However, medical resource options are fields on the electronic form, and it is obvious and well known that data entry fields can be found in or associated with any major commercial computer spreadsheet available within the past decade, such as: Excel, Lotus

123, Quattro pro etc., which during that time have been used by thousands of financial analysts to conduct different types of standard and common financial analyses. Thus, all the data entry options/fields outlined hereinabove can be created using any of these well-known commercial software applications. In addition, since the step described in claim 53 above is just a basic field/option selection operation, this operation can be easily performed manually using pencil to select fields outlined on a sheet of paper, so that this invention is merely the automation of an old and well known manual process. It would have been obvious to one skilled in the art at the time of the invention to be well aware of these facts and to have used their old and well known features in duplicating this invention, since it has been held that broadly providing a mechanical or automatic means to replace manual activity which has accomplished the same result involves only routine skill in the art. In re Venner, 120 USPQ 1 92.

Response to Arguments

3. Applicant's arguments with respect to claims 1-3, 5-25, 27-50, 52-54, 56-58 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OJO O. OYEBISI whose telephone number is (571) 272-8298. The examiner can normally be reached on 8:30A.M-5:30P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HYUNG S. SOUGH can be reached on (571)272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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